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# HOUSE BILL No. 1433

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-26-8-2; IC 9-30-2; IC 35-33-1-1.

**Synopsis:** Arrest for driver's license violations. Requires a law enforcement officer to arrest a person who violates the law that requires a person to possess a permit or license when operating a motor vehicle if the: (1) violation is coupled with an accident; and (2) person does not possess any other valid identification. Requires the person to be immediately taken before a court that: (1) is within the county in which the violation is alleged to have been committed; (2) has jurisdiction of the violation; and (3) is nearest or most accessible to the place where the arrest is made.

**Effective:** July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1433

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-26-8-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 2. A law enforcement officer:

3       **(1)** may, without a warrant, arrest a person for a violation of  
4       IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2),  
5       IC 9-26-1-3, or IC 9-26-1-4; **and**

6       **(2) shall, without a warrant, arrest a person for a violation of**  
7       **IC 9-24-13-3 if the:**

8       **(A) violation of IC 9-24-13-3 is coupled with an accident;**  
9       **and**

10       **(B) person does not possess any other valid identification;**  
11       if the law enforcement officer has reasonable cause to believe that the  
12       violation was committed by the person.

13       SECTION 2. IC 9-30-2-4 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) This section does not apply  
15       to a person arrested for a misdemeanor under IC 9-30-5 (operating a  
16       vehicle while intoxicated).

17       (b) If a person is arrested for a misdemeanor under this title, the

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1 arrested person shall be immediately taken before a court within the  
 2 county in which the offense charged is alleged to have been committed  
 3 and that has jurisdiction of the offense and is nearest or most accessible  
 4 to the place where the arrest is made in any of the following cases:

5 (1) When the person demands an immediate appearance before a  
 6 court.

7 (2) When the person is charged with an offense causing or  
 8 contributing to an accident resulting in injury to or death of a  
 9 person.

10 (3) When the person is charged with failure to stop for an accident  
 11 causing death, personal injuries, or damage to property.

12 (4) When the person refuses to give the person's written promise  
 13 to appear in court.

14 (5) When the person is charged with driving while the person's  
 15 license is suspended or revoked.

16 (c) If:

17 (1) a person is arrested for a violation of IC 9-24-13-3;

18 (2) the violation of IC 9-24-13-3 is coupled with an accident;  
 19 and

20 (3) the person does not possess any other valid identification;  
 21 the arrested person shall be immediately taken before a court  
 22 within the county in which the violation is alleged to have been  
 23 committed, that has jurisdiction of the violation, and is nearest or  
 24 most accessible to the place where the arrest is made.

25 SECTION 3. IC 9-30-2-6 IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2005]: Sec. 6. A law enforcement officer:

27 (1) may, without a warrant, arrest a person in case of violations  
 28 of:

29 ~~(1)~~ (A) IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),  
 30 IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4; and

31 ~~(2)~~ (B) IC 9-30-5 if the violation of IC 9-30-5 is coupled with  
 32 an accident; and

33 (2) shall, without a warrant, arrest a person for a violation of  
 34 IC 9-24-13-3 if the:

35 (A) violation of IC 9-24-13-3 is coupled with an accident;  
 36 and

37 (B) person does not possess any other valid identification;  
 38 when the law enforcement officer has reasonable cause to believe that  
 39 the violation was committed by the person. The procedure prescribed  
 40 in this section is not the only method prescribed by law for the arrest  
 41 and prosecution of a person for an offense of similar grade.

42 SECTION 4. IC 35-33-1-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;
- (3) probable cause to believe the person has violated the provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;
- (4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;
- (5) probable cause to believe the person has committed a:
  - (A) battery resulting in bodily injury under IC 35-42-2-1; or
  - (B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

- (6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);
- (7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);
- (8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7; or
- (9) probable cause to believe that the person is:
  - (A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and
  - (B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5).

**(b) A law enforcement officer shall arrest a person when the officer has reasonable cause to believe the person has violated IC 9-24-13-3 if the:**

- (1) violation of IC 9-24-13-3 is coupled with an accident; and**
- (2) person does not possess any other valid identification.**

~~(b)~~ **(c) A person who:**

- (1) is employed full time as a federal enforcement officer;
- (2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and
- (3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this

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- 1 state where the person reasonably believes that a felony has been or is  
2 about to be committed or attempted in the person's presence.

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